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State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
333 Queen Street
Honolulu, Hawaii 96813

December 14, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, HI

REQUEST FOR APPROVAL TO REPEAL HAWAII
ADMINISTRATIVE RULE, (HAR), §13-242-13

STATUTE: Sections 200-4 and 200-25, Hawaii Revised Statutes (HRS)

PURPOSE: Repeal HAR §13-242-13 because its provisions exceed the statutory authority of the authorizing statute, HRS §200-25, and as such the rule is null and void.

REMARKS: HRS §200-25 was enacted in 1991 and provided for fines and penalties for violation of that part of the statute or any rules passed thereunder. HAR §13-242-13 was enacted in 1994 which reiterated the fines and penalties stated in HRS §200-25. In 1997, HRS §200-25 was amended to reduce the amount and severity of fines and penalties that could be assessed under that section. HAR §13-242-13 was not amended and as such the fines and penalties provided in this rule exceeds the fines and penalties authorized by statute.

Under HRS §91-3(f), if an agency is only seeking to repeal one or more sections, chapters, or subchapters of the agency's rules because they are either null and void or unnecessary, the agency need only give thirty days' public notice in order to effect the repeal. No public hearing is required for the repeal of this rule. DOBOR will present to the Board a new rule to implement HRS §200-25 at a later time together with other proposed rule amendments.

RECOMMENDATIONS:

That the Board:

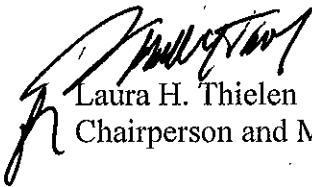
1. Approve the repeal of HAR §13-242-13.

Respectfully submitted,



Edward R. Underwood
Administrator

APPROVED FOR SUBMITTAL



Laura H. Thielen
Chairperson and Member

RAMSEYER DRAFT
(12/14/07)

Amendments to Chapter 13-242
Hawaii Administrative Rules

(Date)

1. Section 13-242-13, Hawaii Administrative Rules, is repealed.

["§13-242-13 Fines and penalties. Pursuant to section 200-25, Hawaii Revised Statutes, any person violating any of these rules, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; provided that, in addition to or as a condition to the suspension of the fines and penalties, the court may deprive the offender of the privilege of operating any vessel, on the waters of the State for a period of not more than two years."]

[Eff 2/24/94; R

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2. Material, except source notes, to be repealed is bracketed.

3. This amendment to chapter 13-242, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____, and filed with the Office of the Lieutenant Governor.

LAURA H. THIELEN, Chairperson
Board of Land and Natural Resources

APPROVED AS TO FORM:

Deputy Attorney General